

RESPONSE UNDER 37 C.F.R. § 1.111
US. Application No. 09/750,432
Attorney Docket No. A8645

Group Art No. 2152

communications.” The Examiner attempts to cure this deficiency by relying on a portion of Brendel (Fig. 6; column 9, lines 18-21) which allegedly discloses a load balancer for facilitating the interface between a user and a remote application. The portion of Brendel cited by the Examiner merely states: “FIG. 6 is a diagram of a web server which asymmetrically routes incoming traffic through a load-balancer while bypassing the load-balancer for data transmitted back to client browsers.” However Brendel, either alone or in combination with Poilizzi, does not disclose a direct connection between an interface module and the port module as required by claim 1 (emphasis added) which the Examiner admits is absent in Poilizzi. Rather, Brendel merely discloses that data can be returned to a browser without using the load-balancer. Accordingly, even if the teachings of the references were combined as asserted in the Office Action, the combination would not satisfy all the limitations of the claim.

Furthermore, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. 2143.01 *citing In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Here, no portion of Polizzi or Brendel teaches or suggests combining the teachings of the prior art references. Applicant respectfully submits that modifying Polizzi’s service broker with Brendel’s alleged teachings of direct communication between Polizzi’s network interface and agents would not be possible for the following reasons.

First, Polizzi discloses that the service broker 125 “acts as a gateway to the other service agents within the portal systems.” Polizzi at paragraph 0033. Hence, Polizzi appears to teach that the service broker must always be interposed between the network interface and the agents which suggests that communication cannot take place between the web browser and the database

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unless the service broker is always present during a communication. Thus, modifying Polizzi based on Brendel, as asserted in the Office Action, to bypass the service manager 125 would result in eliminating the gateway function thereby rendering the system inoperable¹.

Second, Polizzi discloses that the service broker can never be bypassed because it controls the disposition of jobs to the agents within the portal system (see paragraph 0025, lines 1-5). If the agents were not controlled by the service broker, the agents would become overloaded and malfunction (see paragraph 0024, lines 4-7). Therefore, the modification to Polizzi's service broker by incorporating the alleged direct communication function of Brendel's load balancer would render Polizzi's system inoperable. See MPEP §§ 2143.01, 2145 (III) and (x)(D)(The modifications "cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose.")

Accordingly, Applicant respectfully submits that claim 1 is patentable over the cited references, and respectfully requests the Examiner to reconsider and withdraw the rejection.

Independent claims 14 and 25 also recite "connecting directly the interface module and the port module." As such, Applicant respectfully submits that claims 14 and 15 are patentable over the cited references for at least the same reasons mentioned for claim 1, and respectfully requests the Examiner to reconsider and withdraw the rejection.

¹ Figures 1 and 2 of Polizzi show that the service broker is the only disclosed path for the network interface and the agents to communicate with each other.

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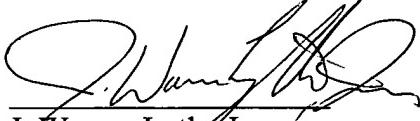
Dependent Claims 2-3,5-13,16-24 and 28-36

Claims 2-3,5-13,16-24 and 28-36 are dependent on independent claims 1, 14, and 25, respectively. Applicant submits that such claims are patentable at least by virtue of their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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